

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 05-10019-RGS
)	
DANIEL W. McELROY and)	
AIMEE J. KING McELROY)	
)	
Defendants.)	

NOTICE OF A NEED FOR AN EVIDENTIARY HEARING

In its procedural order concerning sentencing, the Court ordered that if either party foresaw the need for an evidentiary hearing to address open factual issues at sentencing, the Court should be notified. Accordingly, the government hereby notifies the Court that it believes an evidentiary hearing is necessary on one or more open factual issues. Included among those issues is the amount of loss attributable to the defendant. The government's evidence at sentencing will show that the defendant's temporary employment agency paid out approximately \$66.6 million in cash payroll over the life of the business, none of which was reported to the IRS, the Commonwealth of Massachusetts, or the defendant's workers compensation insurers. This unreported cash resulted in losses of approximately \$15.3 million to the IRS, \$3.7 million to the Massachusetts Department of Unemployment Assistance, and \$8.4 million to the insurance carriers. These figures are larger than the loss figures proven at trial (and are therefore contested by the defendant). In addition to the loss calculation, there may be other, more discrete factual issues that the Court

may need to address at sentencing.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
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Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

Dated: May 29, 2008

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL